

ESTTA Tracking number: **ESTTA1162278**

Filing date: **09/27/2021**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	88757432
Applicant	L-Nutra, Inc.
Applied for Mark	5 DAY FASTING DIET
Correspondence Address	THOMAS J SPEISS III BUCHALTER A PROFESSIONAL CORPORATION 1000 WILSHIRE BLVD 15TH FL LOS ANGELES, CA 90017 UNITED STATES Primary Email: tspeiss@buchalter.com Secondary Email(s): IPdocket@buchalter.com, mstoecklin@buchalter.com 310-490-3373
Submission	Response in Support of Oral Hearing Request
Attachments	Response to Oral Hearing Notice 5 DAY FASTING DIET US TM App. No. 887 57432.pdf(134927 bytes)
Filer's Name	Thomas J Speiss, III
Filer's email	TSpeiss@Buchalter.com, IPDocket@Buchalter.com, MStoecklin@Buchalter.com, IBelogortseva@Buchalter.com
Signature	/Thomas J Speiss, III/
Date	09/27/2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	L-Nutra, Inc.)	
)	
Mark:	5 DAY FASTING DIET)	Jillian Cantor, Esq.
)	Trademark Examining Attorney
Serial No.:	88757432)	Law Office 117
)	(571) 272-6564
Int'l Class:	005)	jillian.cantor@uspto.gov
)	
Filing Date:	January 13, 2020)	Our Filing No.: L9299-5231
)	

SUPPLEMENTAL NOTICE – ORAL HEARING

On September 10, 2021, the Board issued an Order. In the Order, it states,

“... The Board notes Applicant’s request for an oral hearing, filed on March 31, 2021 pursuant to Trademark Rule 2.129(a). Applicant is allowed until fifteen days from the date of this order to submit, through ESTTA, a supplemental notice in which Applicant: [1] provides three tentative nonconsecutive dates and times for the hearing, such dates being *between* six and fourteen weeks beyond the mailing date of this order; and [2] informs the Board if Applicant plans to attend by video conference.... In settling on possible dates, Applicant must note that hearings are held on Tuesdays, Wednesdays and Thursdays, between 10:00 a.m. and 3:00 p.m. Eastern Time. It is highly advisable for Applicant to consult with the Examining Attorney when determining the possible dates for the hearing.”

Counsel for Applicant was attending to a family matter and regrettably did not take the opportunity presented to confer with Ms. Jillian Cantor, the Trademark Examining Attorney assigned to this application, to agree on “three tentative nonconsecutive dates and times for the hearing.” On that basis, counsel for L-Nutra responds as follows,

1. Proposed Day of Week: Counsel for L-Nutra is available to attend the hearing on a Thursday between 11:00 a.m. and 3:00 p.m., ET.
2. Specific Non-Consecutive Dates: Counsel for L-Nutra is available for such a hearing on Oct. 28, 2021; Nov. 4, 11 and 18, 2021; and, Dec. 2, 9, 16, and 23, 2021. In providing these dates, counsel for L-Nutra provides more dates than requested, to provide Ms. Cantor and the Board with additional dates to select for the hearing.

3. Video Conference: Counsel for L-Nutra plans to attend via video conference.

Respectfully submitted,

DATED: September 27, 2021

A handwritten signature in blue ink, appearing to read "T J Speiss III".

By: _____

Thomas J. Speiss, III
Attorney for Applicant,
L-Nutra, Inc.

C: (310) 490-3373

E: TSpeiss@Buchalter.com